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2-2-1995

Helen v DiDario

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 94-1243

HELEN L., BEVERLY D., FLORENCE H.,
ILENE F., IDELL S., and AMERICAN DISABLED
FOR ATTENDANT PROGRAMS TODAY ("A.D.A.P.T.")

Idell S., Appellant

v.

ALBERT L. DiDARIO, individually and in his
official capacity as Superintendent of Norristown
State Hospital, and KAREN F. SNIDER, in her capacity
as Secretary, Pennsylvania Department of Public Welfare

Karen F. Snider, Appellee

Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Civil Action No. 92-6054)

Argued September 13, 1994

Before: MANSMANN, COWEN and McKEE, Circuit Judges

ORDER AMENDING SLIP OPINION

IT IS HEREBY ORDERED that the following portion of the
Slip Opinion at 15 filed in this case on January 31, 1995:
"The prohibitions contained in the later
regulations are under a regulation which
states 'Discriminatory actions prohibited.'

45 U.S.C. § 84.4(b)(1). That regulation does not state that the actions set forth are prohibited per se. Rather, it states that recipients of federal funds may not engage in the enumerated acts 'on the basis of handicap.' 45 U.S.C. § 84.4(b)(1)."

be amended as follows:

"The prohibitions contained in the later regulations are under a regulation which states 'Discriminatory actions prohibited.' 45 C.F.R. § 84.4(b)(1). That regulation does not state that the actions set forth are prohibited per se. Rather, it states that recipients of federal funds may not engage in the enumerated acts 'on the basis of handicap.' 45 C.F.R. § 84.4(b)(1)."

BY THE COURT

/s/ Theodore A. McKee
Circuit Judge

Dated: February 2, 1995